

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

20-CR-1755 MLG
23-CR-0150 MLG

HENRY WALTER BOYD,

Defendant.

**ORDER DENYING EMERGENCY MOTION FOR FURLOUGH
TO ATTEND FUNERAL SERVICES**

THIS MATTER is before the Court on Defendant Boyd's Emergency Motion for Furlough (*Doc. 30*), filed November 17, 2023. Defendant's mother passed away on November 11, 2023, and he now seeks to attend her funeral services scheduled for the afternoon of December 1, 2023, from 2:00 until 4:00. Both the Government and Defendant's supervising Pretrial Services Officer oppose the motion. *See id.*

The Court has given due consideration to the Motion and the Response filed in opposition. The Court has also reviewed the detention order I entered in this case as well as the Complaint, the Indictment, and the Pretrial Services Report. Finally, the Court has listened to the recorded testimony and arguments given during the preliminary and detention hearings held before me on January 18, 2023.

As the Government's Response observes,

if a defendant is seeking temporary release under § 3142(i), the court has already found that pretrial detention was warranted on the grounds that, e.g., no condition or combination of conditions would reasonably assure the defendant would appear as required and/or not pose a risk of harm to


others. These reasons should be taken into consideration in determining whether a defendant has presented such compelling reasons for temporary release that they effectively override or at least sufficiently counterbalance the findings that originally justified the pretrial detention order.

Doc. 32 at 4 (citing United States v. Alderete, 336 F.R.D. 240, 275 (D.N.M. 2020)).

Although this Court, like Counsel for the United States, is sympathetic to Mr. Boyd's loss, it cannot say that a compelling reason or appropriate safeguards are presented to sufficiently support even a temporary release from custody. Ultimately, this Court finds that the defendant's return for future proceedings and the safety of the community would not be adequately protected if the requested furlough was permitted.

Wherefore,

IT IS HEREBY ORDERED that Defendant Henry Boyd's Emergency Motion for Furlough to Attend Funeral Services (*Doc. 30*), is **DENIED**.


UNITED STATES MAGISTRATE JUDGE